GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:1555
ANSWERED ON:24.07.2002
COMPLETION OF PROCEEDINGS IN DISCIPLINARY CASE
RATNA SINGH

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government have fixed any time-frame to complete the proceedings in a disciplinary case;

(b) if so, the details thereof;

(c) if not, the reasons therefor; and

(d) whether the Government propose to prescribe any time-frame in such cases?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, MINISTER OF STATE IN THE MINIS PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE MINISTRY OF PLANNING AND M OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a),(b),(c) &(d): No time-frame as such has been prescribed for completion of the proceedings in disciplinary cases though certain time limits have been prescribed for some of the actions involved in the disciplinary proceedings. A copy of the instructions (D.O. No. 134/2/83-AVD-I dated 02.05.1985) in which certain time limits have been prescribed in the matter is enclosed.

COPY OF THE DO NO. 134/2/83-AVD-I DATED 02.05.1985 REFERRED TO IN THE ANSWER TO LOK SABHA UNSTARRED QUESTION NO. 1555 DATED 24.07.2002

Secretary CONFIDENTIAL

Government of India

Department of Personnel & Administrative Reforms

New Delhi
D.O. No. 134/2/83-AVD.I
Dated 2.5.1985

Dear Shri

Government have been considering various steps that could be adopted for expediting the disposal of disciplinary cases within the framework, of the existing rules. As you would appreciate, the delay in the disposal of disciplinary cases is neither in the interest of the Government nor in that of the Government servant. Undue delay in the disposal of the disciplinary cases also affects the morale of the Government servant. In order to ensure that disciplinary cases are disposed of quickly, it has been decided that the following measures should be adopted:-

(i) Wherever the allegations are investigated by the CBI and the CVC is required to be consulted about the action to be taken on the investigation report, the Department should furnish their comments to the CVC within a month of the receipt of the investigation report. In case of dis-agreement with the advice of the CVC, the matter should be referred to the CVC for re-consideration of its advice only once. (It has come to our notice that sometimes Departments make more than one reference to CVC for reconsideration of its advice. There should be only one such reference to CVC for re-consideration).

(ii) In cases investigated by the CBI as well as in other cases, the charge-sheet should be issued within 1 month of the receipt of the CVC`s advice. If this time-limit and that in Item
(i) are strictly adhered to, it should be possible for the Departments to issue the charge-sheet within 3 months of the receipt of an investigation report, including the time taken in consulting the CVC.

(iii) Wherever the CVC is not required to be consulted, the charge-sheet should be issued within 2 months of the receipt of the investigation report. Where there is no preliminary investigation report, a charge-sheet should be issued within 1 month of taking a decision in the matter.

(iv) A properly drafted charge-sheet is the sheet-anchor of a disciplinary case. Therefore, the charge-sheet should be drafted with utmost accuracy and precision based on the facts revealed during the investigation or otherwise and the mis-conduct involved. It should be ensured that no relevant material is left out and at the same time no irrelevant material or witnesses are included.

(v) With a view to reducing the time taken by the Government servant for inspection of documents before submission of his written statement of defence in reply to the charge-sheet, copies of all the documents relied upon and the statements of witnesses cited on behalf of the Disciplinary Authority should be supplied to the Government servant along with the charge-sheet, wherever possible.

(vi) In all cases which are presently pending for appointment of Inquiry Officer and Presenting Officer, such appointment should be made within 1 month. In all other cases, the Inquiry Officer and the presenting Officer should be appointed, wherever necessary, immediately after the receipt of the Government servant`s written statement of defence denying the charges.

(vii) Wherever a large number of oral inquiries are pending, the Department should earmark some officers on a full-time basis to complete these inquiries within a specified time-limit to be indicated by the disciplinary authority. The time-limit shall be indicated as an administrative instruction, having regard to the nature of the charges and the evidence involved. Similarly where part-time Inquiry Officers are appointed, the disciplinary authority could, having regard to the nature of the charges and the evidence involved, specify time-limits for the completion of the inquiry as an administrative instruction.

(viii) The oral inquiry, including the submission of the Inquiry Officer`s report, should normally be completed within a period of 6 months from the date of appointment of the Inquiry officer. In the preliminary inquiry in the beginning requiring the first appearance of the charged Government servant and the presenting Officer, the Inquiry officer should lay down a definite time-bound programme for inspection of the listed documents, submission of the lists of defence documents and defence witnesses and inspection of defence documents before the regular hearing is taken up. The regular hearing, once started, should be conducted on day-to-day basis until completed and adjournment should not be granted on frivolous grounds.

(ix) After the receipt of the report of the Inquiry Officer along with the advice of the CVC wherever required, the final decision in the matter should be taken by the Departments within a period of 2 months except in cases where the UPSC is required to be consulted. Wherever the reconsideration of the advice of the CVC is sought, such reference should be once only at this stage. In cases in which UPSC is to be consulted, the final decision the matter should be taken within 1 month of the receipt of their advice.

(x) The statutory rules lay down certain time-limits or require the disciplinary authority to specify time-limits for some stages of the disciplinary proceedings. These time-limits should be adhered to strictly. If ever some extention of time is granted, it should be done keeping in view the need for expeditious conclusion of the proceedings and to discourge the dilatory tactics sometimes adopted by Government servants.

2. I may mentioned here that a group of officers is being set-up to recommend amendment of the Statutory Rules with a view to reducing the delay involved in disciplinary proceedings. In the meantime you may kindly follow the instructions referred to in the preceding paragraph for expediting the disciplinary proceedings within the framework of the rules, as they exist at present. You may kindly bring these instructions to the notice of all the offices/organizations under your administrative control.

Yours sincerely,
Sd/-
(K. Ramanujam)